

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RANDALL J STRANDQUIST,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT  
OF SOCIAL AND HEALTH SERVICES;

WENDY LONG,

Defendant.

Case No. 3:23-cv-05071-TMC

ORDER DENYING PLAINTIFF'S  
MOTION FOR RECONSIDERATION

**I. ORDER**

Before the Court is Plaintiff Randall Strandquist's motion for reconsideration (Dkt. 209) requesting the Court revisit its order striking Strandquist's Rule 50(b) motion as untimely (Dkt. 205). First, Strandquist argues that since Rules 6(b)(2) and 50(b) are non-jurisdictional claim-processing rules, there is a forfeiture exception that allows the Court to consider his untimely motion. Dkt. 209 at 3. Second, Strandquist maintains that considering his untimely motion does not affect the policies underlying Rules 6(b)(2) and 50(b). *Id.* at 3–4. Finally, Strandquist contends that striking his motion hinders judicial efficiency, and asks that the Court

1 alternatively allow the parties to file dispositive motions prior to trial. *Id.* at 4–5. For the reasons  
2 explained below, the Court DENIES the motion for reconsideration.

3 Under this District’s Local Civil Rules, “[m]otions for reconsideration are disfavored,”  
4 and “[t]he court will ordinarily deny such motions in the absence of a showing of manifest error  
5 in the prior ruling or a showing of new facts or legal authority which could not have been  
6 brought to its attention earlier with reasonable diligence.” Local Civil Rule 7(h)(1). “[A] motion  
7 for reconsideration should not be granted, absent highly unusual circumstances, unless the  
8 district court is presented with newly discovered evidence, committed clear error, or if there is an  
9 intervening change in the controlling law.” *Marlyn Natraceuticals, Inc. v. Mucos Pharma GmbH*  
10 *& Co.*, 571 F.3d 873, 880 (9th Cir. 2009) (citation omitted). “A motion for reconsideration is not  
11 intended to provide litigants with a second bite at the apple.” *Stevens v. Pierce Cnty.*, No. C22-  
12 5862 BHS, 2023 WL 6807204, at \*2 (W.D. Wash. Oct. 16, 2023).

13 Strandquist’s motion fails to meet this high bar. To start, whether the timeliness  
14 requirements are non-jurisdictional has no bearing here. Strandquist cites to *United States v.*  
15 *Sadler* for the proposition that “time constraints arising only from Court-prescribed, albeit  
16 congressionally authorized, procedural rules are not jurisdictional.” Dkt. 209 at 3 (quoting *U.S. v.*  
17 *Sadler*, 480 F.3d 932, 938 (9th Cir. 2007)). He then asserts that since “Rule 50(b)’s . . . filing  
18 deadline is a non-jurisdictional claim-processing rule, it can be waived or forfeited.” *Id.*  
19 (citations omitted). It is true that a non-jurisdictional rule may be waived or forfeited if a party  
20 does not timely object. *See Weil v. Elliott*, 859 F.3d 812, 815 (9th Cir. 2017) (“A non-  
21 jurisdictional time bar is an affirmative defense that may be forfeited if not timely raised[.]”).  
22 But in *Sandler*, the Ninth Circuit held that because “the government properly raised the  
23 untimeliness argument in the instant case . . . we are required to dismiss [Defendant’s] appeal.”  
24 480 F.3d at 942.

1 Here, like in *Sandler*, Defendants properly objected by filing their own motion to deny  
2 Strandquist’s Rule 50(b) motion on March 18, 2025—only three days after Strandquist’s motion  
3 was filed. *See* Dkt. 204. Defendants argued that Strandquist’s motion should be denied because  
4 he “unequivocally filed [his] Rule 50(b) Motion one day late” and “[u]nder Rule 6(b)(2), the  
5 Court cannot extend the deadline for any reason.” *Id.* at 5.

6 And since Defendants did not forfeit the timeliness requirements, the Court must enforce  
7 mandatory deadlines. *See Suate-Orellana v. Garland*, 101 F.4th 624, 629 (9th Cir. 2024)  
8 (“Although [a non-jurisdictional claim-processing rule] is subject to waiver and forfeiture . . . a  
9 claim-processing rule is mandatory in the sense that a court must enforce the rule if a party  
10 properly raises it.”) (cleaned up). Moreover, even if Defendants had not objected, the Court on  
11 its own accord could have struck Strandquist’s untimely motion. *See Day v. McDonough*, 547  
12 U.S. 198, 209 (2006) (“[D]istrict courts are permitted, but not obliged, to consider, *sua sponte*”  
13 whether a party has complied with a non-jurisdictional claim-processing rule.).

14 Strandquist next argues that because the “purpose behind the time constraints in FRCP  
15 6(b)(2) and 50(b) are to not upset a jury’s verdict, [and] neither circumstance is present here” the  
16 Court should consider his motion. Dkt. 209 at 3. Strandquist further contends that despite the  
17 tardiness of his motion, “[i]f it is inevitable that the Court will then grant Plaintiff judgment as a  
18 matter of law, then it only makes sense to make that determination prior to trial[.]” *Id.* at 5. The  
19 Court disagrees.


20 Strandquist offers no authority to support how striking his Rule 50(b) motion based on  
21 his failure to timely file it constitutes manifest error. *See Marlyn Natraceuticals, Inc.*, 571 F.3d at  
22 880. Instead, Strandquist maintains that the purpose of the filing deadlines is not undermined by  
23 granting him an exception and it would be judicially efficient to do so. Dkt. 209 at 3–5.

24 Reconsideration is an “extraordinary remedy, to be used sparingly in the interests of finality and

1 conservation of judicial resources,” and Strandquist’s arguments fail to show that reconsideration  
2 is warranted. *Kona Enters., Inc. v. Est. of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000).

3 Considering the arguments presented in Strandquist’s motion for reconsideration, there is  
4 no manifest error in the Court’s order striking his Rule 50(b) motion as untimely. The motion for  
5 reconsideration (Dkt. 209) is thus DENIED.

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8 Dated this 21st day of April, 2025.

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11 Tiffany M. Cartwright  
12 United States District Judge  
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